

REVISED COOPERATIVE AGREEMENT BETWEEN NHV CORPORATION AND MPNA

This Agreement replaces any all prior agreements between the parties relating to the premises noted above.

Whereas NHV Corporation t/a Haydee's Restaurant has applied for an ABC Class CR restaurant license for the premises located at 3102 Mt. Pleasant Street, NW Case No. 10515-97023P; and

Whereas, Mount Pleasant Neighborhood Alliance has filed a protest to the issuance of the license; and

Whereas the parties have discussed the concerns of the neighborhood and have reached an understanding relating to the operation of the restaurant and cooperative efforts of the restaurant and MPNA.

Now Therefore, in consideration of the agreements set forth herein MPNA agrees to withdraw it's protest and NHV Corporation agrees to comply with the terms of the agreement as set forth hereinafter.

NHV Corporation agrees:

A. To comply with all laws and regulations governing the operation of the establishment at 3102 Mt. Pleasant Street, NW, in Washington, D.C., including laws and regulations governing the Class CR (restaurant) license to which this agreement applies, as applied for and approved by the District of Columbia in the name of NHV Corporation t/a Haydee's Restaurant, a copy of which is attached to this agreement. It is understood and agreed that said license permits no live music, dancing, cover charges or charges for admission to the establishment.

B. That Haydee Venagas, will cooperate with the Advisory Neighborhood Commission 1-E (ANC), and/or the Mount Pleasant Neighborhood Alliance (MPNA) to address any alleged violation of the laws and regulations referred to in Paragraph A above and in any request that the appropriate enforcement agency investigate an alleged violation.

C. That alcohol will not be served after ABC regulated hours, and that Haydee will work with the community to establish reasonable restrictions on the hours of ABC service to minimize the disturbance to the neighborhood, and in this regard it will stop selling alcohol at 1:30 AM Sunday through Thursday and 2:30 AM on Friday and Saturday.

D. That in cooperation with MPNA it will support community organizations which seek to alleviate alcohol abuse problems, by participation in meetings and programs.

E. To undertake a leadership role in the Mount Pleasant business community in an effort to enlist wider business support for clean-up, responsible alcohol service, support of alcohol abuse assistance organizations, and law enforcement activities, including leading efforts to supplement current efforts to hire private trash services to keep Mount Pleasant Street clean on a daily basis.

F. That in the event NHV decides to sell either Trolley Stop or Haydee's Restaurant, Haydee Venegas will use her best efforts to seek to sell the Trolley Stop or Haydee's Restaurant to an entity which will open an establishment that does not serve alcohol, and will provide the community at least ninety (90) days notice of any intention to place either business on the market, and agrees to work with the community in reviewing offers and in soliciting offers. Haydee agrees further to provide the community with advance notice of its intention to accept any unsolicited offer to buy Trolley Stop or Haydee's Restaurant.

G. That NHV will keep the public space in front of the restaurant free of debris and trash.

H. That loitering will be prohibited in front of the establishment.

I. That to the extent that off-street parking may be available at reasonable rates Haydee agrees to use its best efforts to provide off street parking to its patrons in the evening.

J. That Haydee Venegas will post signs in both English and Spanish advising its clients about respecting the community, directions for parking and alcohol awareness signs as may be produced from time to time.

In addition Haydee Venegas agrees to be bound to MPNA by the conditions agreed to with the Mount Pleasant Advisory Neighborhood Commission (ANC- 1E) as noted below, and pledges to work cooperatively, with the MPNA, to improve the overall environment on Mount Pleasant Street to make it a more pleasant, safe area for residents, customers and businesses.

1. Not sell or deliver alcoholic beverages to any intoxicated person, or to any person of notoriously intemperate habits or to any person who appears to be intoxicated.

2. Not sell or deliver alcoholic beverages to an person or persons under the age of 21.

3. Take all precautions to avoid the sale of delivery of alcoholic beverages to anyone accompanying a person who has been denied service if there is an apparent attempt to deliver the alcoholic beverage to the person who has been denied services.

4. Not to provide "go-cups" to customers. A "go-cup" is defined in Section 709.7 of the ABC regulations as a "drinking utensil provided at no charge or a nominal charge to customers for the purpose of concerning beverages."

5. Take reasonable measures to ensure that the immediate environs of the restaurant are kept free of litter and debris in the "immediate environs" is defined in Section 720.2 of the ABC Regulations as including: "all property on which the premises are located: all property used by the licensee to conduct its business, whether part of the premises or not, including parking lots and the portion of the alleys, sidewalks, or other public property immediately adjacent to the premises or adjacent to the property used by the licensee to conduct its business."

6. Participate in and have all alcoholic beverage serving staff participate in alcoholic beverage server training of the type offered by TIPS.


7. Not to encourage excessive drinking by: serving pitchers; having discounted price drinks; two-for-one promotions; or excessive alcoholic beverage signage in the establishment's windows (more than 25% of total window area).

8. Not sell, deliver or allow consumption of alcohol before or after legal hours of sale.

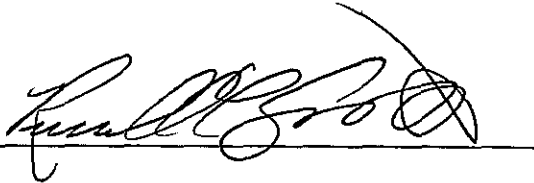
NHV Corporation

MPNA

by



by



P. File

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)	
NHV Corporation)	
t/a Haydee's Restaurant)	
Application for a Retailer's)	Case No. <u>10515-97023P</u>
License Class CR - renewal)	
at premises)	
3102 Mt. Pleasant Street, N.W.)	
Washington, D.C.)	

ELY HURWITZ, ESQUIRE, on behalf of Applicant

RUSSELL SMITH, ESQUIRE, on behalf of Mount Pleasant Neighborhood Alliance, Protestant

BEFORE:

BARBARA L. SMITH, ESQUIRE, Chair
DENNIS BASS, Member
ALLEN BEACH, Member
MARY EVA CANDON, ESQUIRE, Member
LAVERNE KING, Member
DUANE WANG, Member
EYDIE WHITTINGTON, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on February 5, 1997, in accordance with D.C. Code Section 25-115 (c)(5)(1996 Supp.), providing for remonstrants to be heard. Russell Smith, on behalf of Mount Pleasant Neighborhood Alliance, filed a timely protest letter dated January 7, 1997.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw the protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

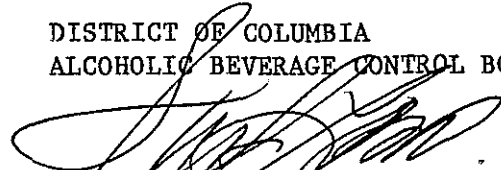
1/ See Agreement dated May 14, 1997.

NHV Corporation
t/a Haydee's Restaurant
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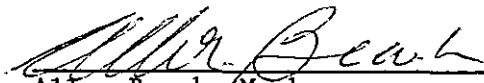
Accordingly, it is hereby this 4th day of June 1997,
ORDERED that:

1. The protest of Russell Smith, on behalf of Mount Pleasant Neighborhood Alliance, be, and the same hereby, is WITHDRAWN;
2. The application of NHV Corporation t/a Haydee's Restaurant, for a retailer's license class CR at premises 3102 Mt. Pleasant Street, N.W., Washington, D.C., be, and the same hereby, is GRANTED; and,
3. Copies of this Order shall be sent to the Applicant, the Attorney for the Applicant, and the Protestant.

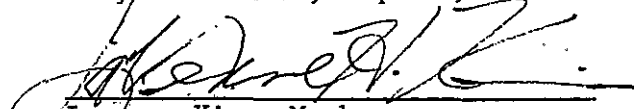
DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

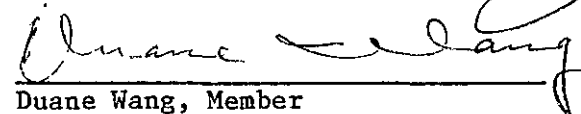

Barbara L. Smith, Esquire, Chair


Dennis Bass, Member


Allen Beach, Member

Mary Eva Candon, Esquire, Member


Laverne King, Member


Duane Wang, Member

Eydie Whittington, Member